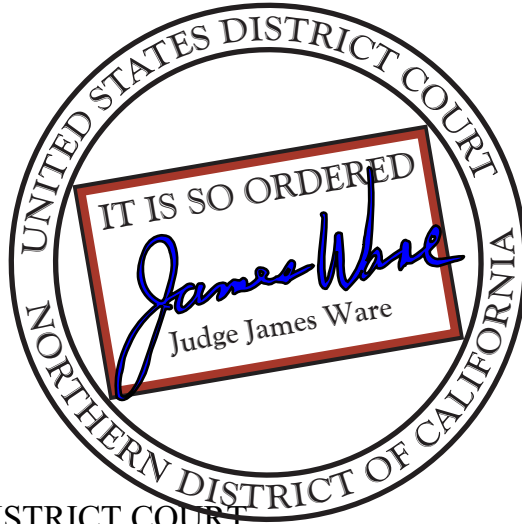


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
PHUOC XUAN NGO,)
)
Defendant.)

No. CR 98-20060 JW
No. C 06-04733 JW

UNITED STATES' REQUEST FOR
EXTENSION OF TIME TO FILE
RESPONSE TO DEFENDANT'S MOTION
UNDER 28 U.S.C. § 2255; [PROPOSED]
ORDER

The United States respectfully requests a 60 day extension of time of its February 12, 2010 deadline to file its response to defendant's Motion under 28 U.S.C. § 2255 ("Response"), on the grounds that thus far the United States' has not been able to obtain copies of the relevant filings and orders in the district court and appellate court records. Since soon after the date of the December 10, 2009 court order requesting a Response from the United States, underlying counsel attempted to obtain said filings and orders in order to prepare a Response; however, due in large part to the age of the underlying criminal proceedings and the size of the record in the district and appellate courts, attempts to obtain the relevant portions of the record remain ongoing. A 60 day extension is respectfully requested to ensure a sufficient period of time to

1 obtain said filings and orders and to prepare a Response.

2 WHEREFORE, the United States respectfully requests a 60 day extension of time of its
3 February 12, 2010 deadline to file its response to defendant's Motion under 28 U.S.C. § 2255.
4

5 DATED: February 5, 2010

Respectfully submitted,

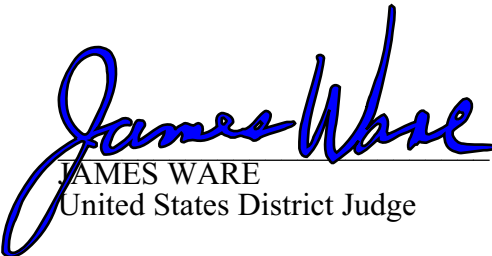
6 JOSEPH P. RUSSONIELLO
7 United States Attorney

8 _____/S/_____
9 EUMI L. CHOI
Assistant United States Attorney

10 **ORDER**

11 Based upon the representation of counsel and for good cause shown, the Court finds that
12 an extension of 60 days for the United States from February 11, 2010 to file its Response is
13 reasonable and appropriate. Therefore, IT IS HEREBY ORDERED that the United States' time
14 to file its response to defendant's Motion for Reconsideration and Clarification is extended 60
15 days, to April 13, 2010.

16
17 DATED: February 9, 2010

18 
JAMES WARE
United States District Judge